



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2206876
Applicant Name: Marc Angelillo for Heartland, LLC.
Address of Proposal: 7920 45th Avenue SW

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into six (6) parcels of land in an environmentally critical area. The proposed parcel sizes are approximately:

- Parcel A: 11,739 square feet;
- Parcel B: 16,986 square feet;
- Parcel C: 15,031 square feet;
- Parcel D: 6,773 square feet;
- Parcel E: 6,458 square feet;
- Parcel F: 6,470 square feet;

The following approval is required:

Short Subdivision: To divide one parcel into six parcels (SMC Chapter 23.24).

SEPA: Environmental Critical Area (SMC Chapter 25.09) – Steep slope and Landslide-prone

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction

BACKGROUND DATA

Site and Area Description

The site is located at 7920 45th Avenue Southwest. The site is sloping to the west and has a large area of steep slope on the upper or eastern area of the lot. There is an existing house which is slated to be retained on lot C. The existing garage will be removed. The large parcel is heavily wooded with “woody” combination native growth on the steep slope and other trees planted by former owners. An exceptional and identifying feature of the site is the amount and types of the trees. Many trees are declining due to age while others are in good health. One tree was identified as an exceptional tree using the City of Seattle standards. The zoning is Single Family 5000 (SF5000). Surrounding uses are single family homes.

Proposal Description

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Public Comments

Seven (7) comment letters were received during the official public comment period which ended March 5, 2003. The comment letters addressed a variety of concerns: the environmentally critical area on the east of the site should be preserved, roadway improvements need to be implemented, the area should be left in its park-like state, the amount of traffic added to the neighborhood would be unacceptable, the streets are too narrow to accommodate the traffic, noise from new homes will be unwelcome, construction traffic and noise will be a problem, on street parking is a problem, tree removal is a concern.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.40, no short plat shall be approved unless all of the following conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Whether the proposal is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from DPD, Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review of the proposal by the Land Use Planner, the following findings are made with respect to the above cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Single Family 5000. As such, future development of individual lots must comply with the development and use requirements of SMC Chapter 23.44. The proposed parcels meet these provisions; provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

DPD has circulated this proposed Short Subdivision to city agencies with jurisdiction for review of utilities, access, and fire protection. The proposed parcels have access to 45th Avenue Southwest and will have vehicle and pedestrian access directly from there.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with city drainage, domestic water, and sanitary sewer by the City of Seattle. The project has received Water Availability Certificate number 2003-0203. Therefore, the proposed subdivision provides adequate provisions for drainage, water supply, and sanitary sewer disposal.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The Land Use Element of Seattle's Comprehensive Plan seeks to preserve and maintain the physical character of each classification of residential area in a way that encourages rehabilitation and provides housing opportunities throughout the city. The proposed short subdivision will meet all applicable Land Use Code provisions, has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal.

Therefore, the public use and interests are served by permitting the proposed subdivision of land while also maintaining the character of the neighborhood.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site contains identified Landslide-prone Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The ECA general, submittal, and Landslide-prone Development Standards and other related development standards are applicable. This shall be noted on the final plat. Short subdivisions in Environmentally Critical Areas must meet requirements of SMC 25.09.240 (A-E). This application meets the requirements.

6. *Whether the proposal is designed to maximize the retention of existing trees;*

This site is a heavily wooded site with both healthy and declining trees. The applicant has proposed Alternative 1C which seeks to maximize the retention of healthy trees while providing suitable siting for single family housing. One exceptional tree as defined by Directors Rule 6-2001 was identified; a Dove tree (*Davidia involucrata*) on proposed Parcel A. Other large trees are slated to be retained as shown on plan Alternative 1C. They include trees identified as STP #2, STP #3, STP #4, STP #6, STP #7, STP 8; and RWW #2. Other trees identified *to potentially remain* shall be retained as a condition to this project. All trees in the steep slope and buffer zone shall be retained. Therefore, the proposed subdivision provides adequate provisions to maximize the preservation of existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot Subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

These provisions are not applicable for this short plat because it is not a Unit Lot Subdivision.

SUMMARY - SHORT SUBDIVISION

The lots to be created by this Short Plat, as conditioned, will meet all standards of the Single Family 5000 zones set forth in the Land Use Code, and are consistent with applicable Single Family and Multi Family policy guidelines. This short subdivision can be provided with vehicular access, and public and private utilities and access for emergency vehicles. Adequate provisions for water supply, drainage control, and sanitary sewage disposal have been provided for each parcel and service is assured, subject to standard conditions governing utility extensions and the short plat maximizes the retention of trees. Therefore, the short subdivision meets all applicable provisions of Section 23.24.040 for Short Plats.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED.**

ANALYSIS- SEPA

The initial disclosure of the potential impacts from this project was made in the Environmental Checklist dated January 27, 2003, which was submitted by the applicant and annotated by the reviewer. The information provided in the Environmental Checklist, the plans submitted by the applicant, and the experience of the lead agency with the review of similar projects are the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665(D)) states, “*Where City regulations have been adopted to address environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*” subject to some limitations. Under such limitations, mitigations may be considered.

Long Term Impacts

Long term or use-related impacts are anticipated as a result of the proposal. The anticipated long-term impacts will be possible water runoff effect from new impervious surfaces, soil disturbance due to new construction. These impacts are not considered significant. Adopted City codes and/or ordinances provide mitigation for the identified impacts. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of these long-term impacts and no further conditioning is warranted by SEPA policies.

Water

Proposed parcels will have increased impervious surface from access driveways and the area of the structure. The water runoff from these sources will be tight lined into the City storm drainage system thereby avoiding impacts on the land. The Land Use Code provides extensive conditioning authority to mitigate the impacts of storm water from development on surrounding areas; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Plants

Prior to issuance of the Master Use Permit, the proposal will be required to be consistent with alternative 1C and all applicable provisions of the Land Use Code relating to tree preservation and/or, replacement. The Land Use Code provides extensive conditioning authority to mitigate the impacts of development on tree preservation; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Soil

Property development and redevelopment sometimes contributes to landslides, accelerated soil creep, settlement or subsidence. The Grading and Drainage Control Ordinance was specifically developed to prevent or minimize impacts resulting from earth fills and excavations. The geotechnical report submitted with this proposal states that there are indications of past slope instability in the form of surficial features, signs of soil movement within the exploration pits, etc.

The site and vicinity does have a history of landslide occurrence. The submitted soils report identifies possible high water table issues, soil stability and construction suggestions and design recommendations. Not further conditioning through SEPA authority is warranted.

DECISION - SEPA

This decision is made after review by the responsible official on behalf of the lead agency, in addition to a completed environmental checklist and other information on file with DPD. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS – SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Trees slated to be retained are shown on plan Alternative 1C. They include trees identified as STP #2, STP #3, STP #4, STP #6, STP #7, STP #8; and RWW #2. Other trees identified on proposed plat as *to potentially remain* shall be identified on the final plat as to be retained as a condition of this project. All trees in the steep slope and buffer zone shall be retained. A condition shall be added to the final plat that all construction permit applications for new homes must include tree protection measures as recommended by an arborist.
2. Have final recording documents of Alternative 1C prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned. Proposed structures should be removed from final plat drawings.
3. Insert the following on the face of the plat:

“This site contains Environmentally Critical Areas (ECAs) as defined in SMC 25.09. The steep slope development standards of SMC Section 25.09.180 and specific conditions of DPD Project No. 2206896, as well as the ECA General, Submittal, steep slope, wetland, wetland buffer, and other related development standards of Chapter 25.09 of the Seattle Municipal Code still apply to development on the site.”

4. The face of the plat shall show the location of the ECA nondisturbance area and the location of permanent ECA markers delineating the approved nondisturbance area. Install on site the permanent ECA markers.
5. Submit the final recording forms for approval and any necessary fees.
6. A joint use and maintenance agreement for any and all easements must be provided with the final recording documents, if necessary.
7. Include the required easements (if any) for electrical service and sewer access on the face of the plat.
8. On the final plat, provide an easement, covenant or other agreement to allow for the posting of address signage for all homes visible from 45th Avenue SW.

Conditions of Approval Prior to Issuance of Any Construction Permit (Non-appealable ECA conditions)

9. Record a DPD Environmentally Critical Areas Covenant as approved by DPD. The covenant shall show the location of permanent non-disturbance ECA markers and provide for their maintenance by the property owners or other responsible parties.

Signature: (signature on file) Date: January 22, 2004
Holly J. Godard
Land Use Planner
Department of Planning and Development

HJG:bg

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